

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Vita-Mix Corporation, Vita-Mix Management Corporation, and Vita-Mix Manufacturing Corporation,

Plaintiffs,

v.

Blendtec, Inc.,

Defendant.

Civil Action No.: 1:15-cv-01118-PAG

Judge: Hon. Patricia A. Gaughan

**STIPULATED ORDER REGARDING
AUTHENTICITY**

The parties to this Stipulated Order Regarding Authenticity have agreed to the terms of this Order; accordingly, it is ORDERED:

1. Subject to the exceptions stated below, and absent affirmative evidence that a document or thing is not what it purports to be, Plaintiffs Vita-Mix Corporation, Vita-Mix Management Corporation, and Vita-Mix Manufacturing Corporation, (collectively “Plaintiffs” or “Vita-Mix”) agree that, for purposes of Rule 901 of the Federal Rules of Evidence, Vita-Mix will not contest the authenticity of any document or thing, including any true and correct copy thereof, produced by Vita-Mix in this matter.
2. Subject to the exceptions stated below, and absent affirmative evidence that a document or thing is not what it purports to be, Defendant Blendtec, Inc. (“Blendtec”), agrees that, for purposes of Rule 901 of the Federal Rules of Evidence, Blendtec will not contest the authenticity of any document or thing, including any true and correct copy thereof, produced by Blendtec in this matter.

3. The parties' agreements in paragraphs 1 and 2 of this stipulation do not apply to handwritten notes, except to the extent such handwritten notes are contained in sketch books or lab notebooks. If a document or thing produced by a party also bears handwritten notes, the parties' agreements do not apply to the handwritten notes portion of the document, but do apply to the remainder of the document or thing. The parties agree that, at a mutually agreed upon time prior to trial, each party may identify to the other party a reasonable amount of documents and things containing handwritten notes as to which that party wishes a stipulation of authenticity. The other party agrees to give good faith consideration to a reasonable request pertaining to handwritten notes.
4. Except to the extent authenticity is established by and within the scope of the express terms of this stipulation, this stipulation does not affect either (1) Vita-Mix's ability to contest the authenticity of any document or thing produced by Blendtec, or (2) Blendtec's ability to contest the authenticity of any document or thing produced by Vita-Mix.
5. In the event that a dispute arises regarding the authenticity of a document, the parties agree to meet and confer in good faith promptly about the authenticity of such document(s) and, if necessary, to expedite any related motions for resolution by the Court.
6. Nothing in this stipulation shall be construed as an agreement that any documents or things that are subject to this stipulation are admissible into evidence by any party, except as expressly addressed herein. The parties hereby expressly reserve

the right to object to the admissibility of any document or thing under any grounds permitted by law and not expressly addressed herein.

So Ordered.

Dated: _____

District Judge

WE SO MOVE/STIPULATE and agree to abide by the terms of this Order.

/s/ David K. Callahan

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CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2016 a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ David K. Callahan

David K. Callahan